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21 *Attorneys for Plaintiff Jonathan Shomroni*  
22 *And the Putative Class*

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
24 **COUNTY OF SAN FRANCISCO**

25 **JONATHAN SHOMRONI**, Individually and  
26 on behalf of others similarly situated,

27 Plaintiff,

28 v.

**FEI LABS INC.**, a Delaware Corporation,  
**JOSEPH SANTORO**, an Individual,  
**BRIANNA MONTGOMERY**, an Individual,  
**SEBASTIAN DELGADO**, an Individual, and  
**DOES 1-10**.

Defendants,

**Case No: CGC-22-598995**

*Assigned for all purposes to  
the Hon. Ethan P. Schulman, Dep't 304*

**CLASS ACTION**

**DECLARATION OF SIMPLURIS IN  
FURTHER SUPPORT OF PLAINTIFF'S  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: October 27, 2023

Time: 10:00 a.m.

Dept: 304

Judge: Hon. Ethan P. Schulman

**ELECTRONICALLY  
FILED**  
*Superior Court of California,  
County of San Francisco*

**10/11/2023**  
**Clerk of the Court**  
BY: SANDRA SCHIRO  
Deputy Clerk

1 I, Jacob J. Kamenir, hereby declare as follows:

2 1. My name is Jacob J. Kamenir. I have personal knowledge of the matters stated herein,  
3 and I believe them to be true and accurate.

4 2. I am the Senior Director of Notice at Simpluris, Inc. (“Simpluris”). Simpluris is a  
5 national full-service class action notice and claims administrator and has been selected by counsel  
6 to serve as the class action Claims Administrator in this case.

7 3. Simpluris submits this declaration in further support of Plaintiff’s motion for final  
8 approval to provide updated counts and amounts of potential class member activity.

9 **Proof of Claim Forms**

10 4. The deadline for class members to submit a Proof of Claim online or to postmark and  
11 mail a Proof of Claim was October 1, 2023. A table breakdown of the current dispositions of  
12 submitted Proof of Claim forms is attached as **Exhibit A**.

13 a. *Online Proof of Claim forms.* As of October 10, 2023, potential class members  
14 have submitted 779 online Proof of Claim forms through the online Proof of  
15 Claim module.

16 i. *Online Proof of Claim Module.* As of October 10, 2023, the online Proof  
17 of Claim module remains operational on the Settlement Website. Of the  
18 779 forms submitted through the online Proof of Claim module, 776 were  
19 timely submitted before the October 1, 2023 deadline for class members  
20 to submit a Proof of Claim, and three (3) were submitted after the October  
21 1, 2023 deadline for class members to submit a Proof of Claim.

22 b. *Paper Proof of Claim forms.* As of October 10, 2023, potential class members  
23 have not submitted any paper Proof of Claim forms through physical mail via the  
24 Settlement P.O. Box and/or via the Settlement email inbox.

25 c. *Defect Letters.* As of October 10, 2023, Simpluris has sent 8 Defect Letters to  
26 claimants who submitted deficient Proof of Claim forms, and requested further  
27 information or specific remedies, where possible.

1 d. *Denial Letters*. As of October 10, 2023, Simpluris has sent 6 Denial Letters to  
2 claimants who were previously sent Defect Letters but failed to respond by the  
3 stated fourteen (14) day deadline and/or failed to provide sufficient supplemental  
4 information to remedy the stated deficiency(ies) identified on their Proof of Claim  
5 forms.

6 **Proof of Claim Participation Rates and Recognized Loss**

7 5. As stated in Simpluris’s Declaration in Support of Plaintiff’s Motion for Final  
8 Approval of Class Action Settlement executed on September 21, 2023, received Proof of Claim  
9 forms reflect significantly more engagement by potential class members with larger claims than by  
10 potential class members with smaller claims. Specifically, Proof of Claim forms reflect the following  
11 qualities:

12 a. Of the wallets that each contributed greater than 250 ETH to the Fei Protocol as  
13 part of the Genesis Event, 14.9% of the wallets by number have submitted Proof  
14 of Claim forms, claiming approximately \$126.3 million in “Starting Value,” as  
15 defined by the proposed Plan of Allocation. The wallets in this category that have  
16 submitted claims account for 14.2% of all ETH initially contributed to the  
17 Genesis Event by this group. As of October 10, 2023, preliminary calculations of  
18 reviewed claims indicate that these Class Members have claimed approximately  
19 \$18.6 million in potential Recognized Loss.<sup>1</sup>

20 b. Of the wallets that contributed greater than 10 ETH but less than or equal to 250  
21 ETH as part of the Genesis Event, 8.8% of the wallets by number have submitted  
22 Proof of Claim forms, claiming approximately \$37.1 million in “Starting Value.”  
23 The wallets in this category that have submitted claims account for 11.8% of all  
24 ETH initially contributed to the Genesis Event by this group. As of October 10,  
25 2023, preliminary calculations of reviewed claims indicate that these Class

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26 <sup>1</sup> The 396 wallets that each contributed more than 250 ETH to the Fei Protocol contributed, in total,  
27 ETH worth approximately \$892.3 million. While these wallets made up only 2.3% of all of the  
28 wallets that participated in the Genesis Event, they contributed 70.4% of all of the ETH contributed.

1 Members have claimed approximately \$3.9 million in potential Recognized Loss.

2 c. Of the wallets that contributed 10 ETH or less as part of the Genesis Event, 2.9%  
3 of the wallets by number have submitted Proof of Claim forms, claiming  
4 approximately \$2.6 million in “Starting Value.” The wallets in this category that  
5 have submitted claims account for 4.2% of all ETH initially contributed to the  
6 Genesis Event by this group. As of October 10, 2023, preliminary calculations of  
7 reviewed claims indicate that these Class Members have claimed approximately  
8 \$0.6<sup>2</sup> million in potential Recognized Loss.<sup>3</sup>

9 d. Overall, the wallets that have submitted Proof of Claim forms as of October 10,  
10 2023 have claimed approximately \$164.5 million in “Starting Value.” These  
11 wallets initially contributed 13.1% of all ETH contributed to the Genesis Event.  
12 As of October 10, 2023, preliminary calculations indicate that Class Members  
13 have collectively claimed approximately \$23.1 million total in potential  
14 Recognized Loss. Among reviewed claims that have a calculated recognized loss  
15 greater than \$0.00, the current estimated *pro rata* recovery is approximately \$0.56  
16 for each claimed dollar of “Recognized Loss” from an estimated Net Settlement  
17 Fund of approximately \$13 million.

18 **Requests for Exclusion**

19 6. As of October 10, 2023, Simpluris has received only one (1) timely Request for  
20 Exclusion (“opt out”). Simpluris has received no opt outs after the September 6, 2023 Deadline to  
21 Request Exclusion.

22  
23 <sup>2</sup> In the Declaration of Simpluris in Support of Plaintiff’s Motion for Final Approval of Class Action  
24 Settlement, dated September 21, 2023, there was a scrivener’s error in paragraph 10.d, concerning  
25 the estimated Recognized Loss for wallets that contributed less than 10 ETH. The approximate  
26 Recognized Loss in paragraph 10.d as of September 21, 2023 should have read “\$0.5 million” instead  
27 of “\$1.3 million.”

28 <sup>3</sup> The 14,181 wallets that each contributed 10 ETH or less to the Fei Protocol contributed, in total,  
ETH worth approximately \$61.3 million. These wallets made up 80.7% of all of the wallets that  
participated but contributed only 4.8% of all of the ETH contributed.

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**Objections**

7. The deadline for class members to submit an objection was October 1, 2023. As of October 10, 2023, Simpluris has not received any objections.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 10, 2023 in Albert Lea, Minnesota.



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Jacob J. Kamenir

# **EXHIBIT A**

Proof of Claim Processing Dispositions (as of October 10, 2023)	Description	Count
Valid	Proof of Claims timely submitted and complete containing all requested information.	715
Duplicates	Proof of Claims deemed duplicative based on submitted information.	50
Late	Proof of Claims submitted complete containing all requested information but received after the filing deadline of October 1, 2023.	3
Invalid	Deficient Proof of Claims that failed to timely and/or sufficiently respond to Defect and/or Denial Letters.	5
Potentially Invalid	Deficient Proof of Claims that are still within the time period to timely respond to a sent Defect or Denial Letter (as of October 10, 2023).	5
Withdrawn	Withdrawn Proof of Claim (corresponding to the sole Exclusion Request).	1

**TOTAL Proof of Claim forms      779**